



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Ordinance No. 1864 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 5.12 – Cardrooms – by Repealing and Reenacting Sections 5.12.140, 'Rules and Regulations,' and 5.12.170, 'Gross Revenue Permit Fees,' in Their Entirety"

MEETING DATE: October 3, 2012

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1864.

BACKGROUND INFORMATION: Ordinance No. 1864 entitled, "An Ordinance of the Lodi City Council Amending Chapter 5.12 – Cardrooms – by Repealing and Reenacting Sections 5.12.140, 'Rules and Regulations,' and 5.12.170, 'Gross Revenue Permit Fees,' in Their Entirety," was introduced at the regular City Council meeting of September 19, 2012.


ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.



Randi Johi
City Clerk

RJ/jmr
Attachment

APPROVED:



Konrad Bartlam, City Manager

ORDINANCE NO. 1864

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING
CHAPTER 5.12 – CARDROOMS – BY REPEALING AND REENACTING
SECTIONS 5.12.140, “RULES AND REGULATIONS,” AND 5.12.170,
“GROSS REVENUE PERMIT FEES,” IN THEIR ENTIRETY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 5.12.140, “Rules and Regulations,” is hereby repealed and reenacted to read as follows:

5.12.140 Rules and Regulations.

It is unlawful to operate a cardroom in violation of any of the following regulations and rules:

- A. Not more than one cardroom shall be located at any one address.
- B. Only those games approved by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in any cardroom.
- C. Not more than thirteen tables shall be permitted in any cardroom. No more than thirteen tables shall be permitted to operate within the city.
- D. No gambling establishment may be located in any zone which has not been specifically approved for such a business. Additionally, none may be located near any of the unsuitable areas, as specified in Business and Professions Code Section 19852(a)(3).
- E. No person under the age of twenty-one shall be permitted at any cardtable, nor shall any person under the age of twenty-one be permitted to participate in any game played thereat.
- F. Cardrooms may be operated seven days a week and shall not open until the hour of nine a.m. Cardrooms shall close no later than five a.m. A cardroom shall adopt a schedule of hours of operation before it shall be allowed to operate. Such schedule of hours shall be clearly posted at the cardroom in order to provide adequate notice of its hours of operation.
- G. All cardrooms shall be open to police inspection during all hours of operation.
- H. Only table stakes shall be permitted.
- I. The cashing of bank checks for players or extensions of credit to players shall be in full compliance with the California Gambling Law and Regulations. No cardroom shall extend credit or cash checks for players in a manner not authorized by State law.
- J. Each cardtable shall have assigned to it a person whose duty shall be to supervise the game to see to it that it is played strictly in accordance with the terms of this chapter and with the provisions of the penal code of the state. This person may have more than one table under his supervision. He shall not, however, participate in the game.

K. There shall be posted in every cardroom in letters plainly visible from all parts thereof, signs stating that only games approved by and as defined by the California Office of the Attorney General, Bureau of Gambling Control, shall be played in the cardroom. These signs shall also contain such other information relating to the regulations contained in this chapter as the Chief of Police may require.

L. No person who is in a state of intoxication shall be permitted in any cardroom.

M. The sale, purchase, transfer, assignment, or pledge of any property, or of any document evidencing title to the same, is prohibited in any cardroom.

N. The operator or his employees shall not loan money to any person on any ring, watch, or other article of personal property for the purpose of securing tokens, chips, or other representatives of money as an ante.

O. No shills shall engage in card games. This prohibition shall not apply to house players, provided they wear a badge in a conspicuous place, which badge identifies them as employees of the licensee.

P. Patron Security and Safety. Each cardroom license shall be responsible and liable for its patrons' safety and security in and around the cardroom establishment. Before it shall be allowed to operate, each cardroom shall adopt a plan, to be approved by the city, to provide for the safety and security of its patrons.

SECTION 2. Lodi Municipal Code Section 5.12.170, "Gross Revenue Permit Fees," is hereby repealed and reenacted to read as follows:

5.12.170 Gross Revenue Permit Fees.

A. In addition to the permit fees previously prescribed each permittee permitted pursuant to the provisions of this article shall pay to the city a monthly fee equal to \$20,000.00 on the first \$240,000.00 of monthly gross revenue the permittee received from cardroom operations, and 4.5 % of monthly gross revenue in excess of \$240,000.00. Such payment shall be made to the city not later than fifteen days after the end of each month during which such gross revenues on which it was computed were received by the permittee.

B. Each permittee shall file with the Finance Department before the 15th day following the end of each month a statement, under oath, showing the true and correct amount of gross revenue derived from the card game business permitted by the permit issued to the permittee for the preceding month. Such statement shall be accompanied by the payment of the correct amount of permit fee due and owing in accordance with the provisions of subsection (a) of this section, and such sums correctly reflecting the monthly fees payable for the preceding month shall be accepted by the city, subject, however, to the right of the city to audit the matters reported in the statement to determine the accuracy of the figures contained therein and whether or not the correct amount payable to the city has been paid.

A signed declaration shall be attached to the statement or included therein, which shall be in substantially the same form:

"I hereby declare under penalty of perjury that the foregoing is true and correct."

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 6. This ordinance shall be published pursuant to law and shall become effective 30 days from the date of passage and adoption.


SECTION 7. The amended Schedules referenced above shall be effective on applicable electric utility billings prepared by the City of Lodi on or after January 1, 2012, or the first date allowable under State law.

Approved this 3rd day of October, 2012



JOANNE L. MOUNCE
MAYOR

ATTEST:


RANDI JOHL
City Clerk
State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1864 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2012, by the following vote:


AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,
and Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None


ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. **1864** was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL
City Clerk

Approved to Form:



D. STEPHEN SCHWABAUER
City Attorney